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ABSTRACT

This report defines domestic violence as a method of maintaining control through the use of force. An historical perspective is presented which describes the many centuries during which men legally wielded absolute power over their wives and children, who were considered to be chattel of the husband. Different hypotheses suggest various causal factors for child and spouse abuse, including psychiatric and psycho-social disorders, and sociopolitical causes. Violence usually enters a marriage early, in a relatively innocuous form, but over time it changes as does the marital relationship. Types of behavior (on the part of the abused) considered to be provocative are listed, including nagging, aggression, submission, dominance, or emasculation. Among these types, the only discernible pattern is that the behavior represents a woman's failure or refusal to comply with her husband's wishes. Numerous personal, social, and material reasons why women fail to make a permanent break from a violent relationship are discussed. The paper concludes with societal responses: the critical role played by police; the judicial response; shelters that provide services to women and children; ways in which physicians can assist victims; and a description of a unique private sector initiative to aid battered women. (LL)

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Domestic Violence:
Its' Past, Causes and Effects,
and Implications for Society

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Domestic violence is a serious problem facing our society. The United States Surgeon General identifies battering as the single largest cause of injury to women in the United States (MacManus and Van Hightower, 1989). Battering within a family also often extends to the children. One Colorado study reported that 53 percent of battering husbands abused their children. In addition, research has shown the problem to exist among all age groups, races, ethnic and religious groups, educational levels and socioeconomic groups (Walker, 1984). This is contrary to the common perception that the incidence of battering is highest among the poor, uneducated, and minority populations (MacManus and Van Hightower, 1989).

In this paper, I will define domestic violence, present some history and background on the subject, and look at some causes and effects of domestic violence on the family unit as well as its' individual members. I will also look at what measures are being taken to combat this problem in both the public and private sector.

Definitions

Domestic violence is commonly defined as "any rape, robber, aggravated assault, or single assault committed against a married, divorced, or separated person by a relative or other person well known to the victim" (MacManus and Van Hightower, 1989). It is also defined as kicking, punching, slapping and other aggressive behavior, including verbal harassment, directed toward an individual in the aggressor's attempt to gain physical,

psychological and emotional control (Jerris, 1990). Domestic violence is synonymous with the term family violence, which means sexual coercion or threats of or the use of intentional physical force with the aim of causing injury (Pleck, 1987). The underlying theme here is to maintain control through the use of force.

A Historical Perspective

For centuries, men wielded absolute power over their wives and children. The man was not just "head of household"--legally, morally, by ideation and practice, he was the household. In the thirteenth century, Dominican Nicolas Byard stated the following:

A man may chastise his wife and beat her for her correction; for she is of his household and therefore the Lord may chastise his own, as it was written in Gratian's Decretum, "the husband is bound to chastise his wife moderately unless he be a cleric, in which case he may chastise her the harder." Also, "since the husband is the head of the wife, while the man's head is Christ, every wife who is not subject to her husband, that is to her head, is guilty of the same offense as the man is when he is not subject unto Christ his head" (Armstrong, 1983).

Children, as well, were chattel of the husband. In Roman law, "The Law of the Twelve Tables" granted the father the absolute right to sell his children and the absolute power of life and death over the child. The woman would lay the infant at his feet, and he would nod or he would point. As he proposed, she disposed. This

was called "patria potestas." This term is religious in origin. From the position as high priest in the family worship came that life-long authority over the other members of his household bestowed by this archaic society upon the father--that authority which, known in Roman juris prudence as patria potestas, is in its effects the most far-reaching subject of the early private law of home (Armstrong, 1983).

In ancient Greece, as well, the child was the fathers' absolute property. The positioning in importance went: father, cattle, mother, and children. Female children had no legal identity and none to look forward to; marriage was no more than a transfer of property, from father to husband. The rape of another's girl child was a matter to be settled in coin. Talmudic law decreed that betrothal and marriage could not take place before three-years-and-one-day of age. Christian Canon law declared marriage legal at any age once copulation had taken place. Clearly, the concept of sex with children was unremarkable. From the 1609 edict that, "in the strictness of the law, for a husband to beat his wife was lawful," (Armstrong) though, the 1800's claim that, "for as he is the answer for her misbehavior, the law thought is reasonable to intrust him with its power of restraining her by domestic chastisement..." (Armstrong) the ideation of patriarchal power and privilege held fast (Armstrong, 1983).

Some examples of one measure men used to try to control their wives and the way in which women struggled against it were featured

in the 1976 Bicentennial exhibition on Women in America from 1750 to 1815, held in Plymouth, Massachusetts. Displayed were advertisements in colonial newspapers illustrating the attempts of husbands to deny their wives any reasonable means of escape from marriage. although such advertisements were run quite commonly, all were not necessarily what it appeared to be. Many women published replies to clarify their reasons for running away and attempted to clear their names and protect their credit. The same exhibition displayed the famous letter written in 1776 by Abigail Smith Adams to her husband, John Adams, asking him to "Remember the Ladies" in this new society that he was helping to create. The plea from this influential woman was that all women be freed from the unlimited power traditionally given to husbands and thus be assured of at least some protection from the potential "cruelty and indignity" that could be inflicted upon them (Dobash and Dobash, 1979).

Through the seventeenth, eighteenth, and nineteenth centuries, there was little objection within the community to a man using force against his wife as long as he did not exceed certain tacit limits. The eighteenth-century French belief that a man who is not the master of his wife is not worthy of being a man was widespread and to a great extent justified beating wives either for various offenses against her husband's authority or for failure to live up to his ideals about her work, domestic or otherwise. A woman could be beaten if she behaved shamelessly and caused jealousy, was lazy,

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unwilling to work in the fields, became drunk, spent too much money, or neglected the house. The community agreed that these were offenses that merited, even required, punishment as long as the physical force was restricted to blows, thumps, kicks, or punches on the back if they leave no lasting trace. In short, permissible or legitimate violence was that which would be suitable for any inferior, such as a child or servant. "Sharp edged or crushing instruments," that is weapons, especially cleaners, axes, sickles, or knives. Nor was it considered appropriate to direct blows at the head or sensitive or vital organs (breast or stomach), and maltreatment by a husband during pregnancy or after a birth was always cited with great indignation. It was the moderate use of physical punishment that separated the reasonable husband from the brute (Dobash and Dobash, 1979).

The first legal rejection of chastisement of women occurred in England in 1829, when the act that gave a husband the right to chastise his wife was erased from the statute book. This, of course, was a far cry from actually ending such assaults and women still had not real protection from violent husbands and no means of escape from a violent marriage. Relief required much wider changes in the laws concerning cruelty, cohabitation, property rights, separation and divorce, and support, some of which was obtained in the period from 1850 to 1900. In 1853, the Act for Better Prevention and Punishment of Aggravated Assaults upon women and

children was passed, and extended to women some of the same protection already extended to animals who were cruelly treated.

The Married Women's Property Act of 1895 added to this and made conviction for assault a sufficient ground for divorce. It was, of course, very difficult to get a conviction for assault and the standard of proof was often so high as to make a conviction almost impossible. It was not until 1891, in the case of Reg. vs Jackson, that the legal rights of the English husband to restrain his wife's liberty by physical means may be said to have been completely abolished. In America, wife beating was made illegal in Alabama and Massachusetts in 1871. By the end of the nineteenth century, the right of chastisement was expressly rejected. In 1894 the Mississippi court, which had been the first to legalize chastisement, repudiated that earlier decision and described it as a revolting precedent. The wives of those men who continued to draw the rod through the wedding ring usually were allowed to divorce, and by 1910 it was written that wife beating continued to be a flagrantly common offense. There were still thousands of women who were "perambulating punching-bags" who knew this and who only wanted to get through life with a few bruises as possible (Dobash and Dobash, 1979).

Causes and Effects

Depending upon the investigator, different hypotheses suggest different casual factors for child and spouse abuse. Three groups of common causes of child and spouse abuse included psychiatric

disorders, psycho-social, and sociopolitical causes (Roy, 1988). There is a common thread, a common denominator which underscores most cases, if not all, of child and spouse abuse. The third group of causes (sociopolitical) leads to the discovery of the possible root cause. It is from this group that the Cornerstone Theory of Family Violence emerges. The Cornerstone Theory of Family Violence derives from the historical context of violence against wives and children, relying heavily on the similarities of origin (e.g., the belief that wives and children were the property of husband and fathers, respectively, thus leading to the concomitant societal tolerance and justification for the maltreatment of both groups). The theory assumes that the resultant societal policy and action led to the dehumanization of women and children and contributed to their common bondage. Wives and children as property devalued their worth as members of the human race and eliminated them from the protection of human rights (Roy, 1988). Roy states that "the common cause of child and spouse abuse as the patriarchal right of ownership of wives and children."

Violence usually enters a marriage early and is a relatively innocuous form, but over time it changes and so does the marital relationship itself. At first, the violence seems to be transient and the problems leading to the confrontations appear soluble. The man is remorseful, and the woman has hope that things will change for the better. The woman's belief that her husband will stop beating her is usually sustained for a very long time (and not

doubt a few men do stop) and motivates her to try to change herself, her husband, and their relationship. But if the issues over which the couple argues are not or cannot be solved, or if the solutions, when they are achieved, do not end the beatings, then the woman begins to lose hope and the relationship suffers. The man becomes less concerned, less remorseful, and less willing to change while the woman's affection for him and estimation of her own worth begin to deteriorate. As the physical abuse becomes more frequent and severe, it eventually dominates the relationship. This is especially true for the woman both because she is the victim of the abuse and because her life is more closely bound up in marriage. Her activities, identity, and worth are defined by marriage and her contacts with outside sources of support are more limited (Dobash and Dobash, 1979).

Over time, the increasing frequency and severity of the violence and the man's hardening position result in the woman's diminishing estimation of herself and of her husband and a loss of affection for him. She also has a growing sense of fear and isolation and a general feeling of hopelessness. These changes, of course, affect, and are affected by the nonviolent aspects of the entire relationship. The appointment of blame and the disputes about who is at fault are most closely tied to the nonviolent aspects of the relationship, including the nature of marital

authority and responsibility, the separateness of the couple's lives, and the way in which daily issues are resolved (Dobash and Dobash, 1979).

The types of behavior that have been defined as provocative either by researchers or by husbands are diverse and contradictory, ranging from aggression and nagging, to submission, through dominance and psychological disfigurement, or emasculation, and on to insinuating language of gestures. The only pattern discernible in these lists is that the behavior, whatever it might be, represents some form of failure or refusal on the part of the woman to comply with or support her husband's wishes and authority (Dobash and Dobash, 1979).

The idea that nagging provokes or causes the violence is not merely a justification provided by the man for his behavior, it is very much a part of our cultural beliefs and is also used by researches and representatives of social agencies to explain wife beating or to justify their own actions or inactions. The idea of provocation, or victim precipitation, as it is sometimes called in the social sciences, is both naive and insidious; it represents an acceptance of the use of physical violence. It is naive because it represents a failure to see the marital relationship within which the wife must negotiate with her husband in order to conduct her daily life and to see that she must do so from a greatly disadvantage position. It is insidious because what is really being said is that the woman has no real right to negotiate with

her husband about how their money is spent, the time he spends away from home, the amount of assistance he gives at home, and her freedom to go to work or dispose of her own time. It also assumes that she has little or no right to engage in any behavior, no matter how innocuous, of which her husband approves and that she should not challenge his decisions even if they are unjust or unreasonable. If the woman goes beyond these limits, she is said to be provoking her husband and this supposedly explains or justifies the violence she experiences. The idea of provocation is a very powerful tool used in justifying the husband's dominance and control and in removing moral indignation about his resort to force in securing, maintaining, and punishing the challenges to his authority (Dobash and Dobash, 1979).

Children growing up in homes where there is a high level of spouse-battering are in danger of becoming the next generation of batterers or victim of abuse. Children are impressionable; they imitate and repeat what is familiar to them. Children from violent homes are human time-bombs set to explode when they assume the role of husband or wife in adulthood. Most experts agree that violence begets violence and that it is passed on from one carefully taught generation to another. Many studies conducted over the past decade indicate that children who experience a high exposure to violence within the home coupled with low family warmth (hugging and verbal

messages of caring and love) and a highly charged and stressful home environment are more likely to use physical punishment (Roy, 1988).

Some children are able to survive their violent childhoods and go on to assist other victims of domestic violence. Charles Hynes, special prosecutor in the Howard Beach case where one black man was killed and another beaten at the hands of a white teenage gang, at the age of 12, physically stopped his father's reign of constant fear and terror over his mother. At 54, Hynes ran for the office of district attorney in Brooklyn. He promised that his office would be very active in domestic violence with early intervention procedures that insure the safety of women who take abusive men to court. Said Hynes, "The message will go out that we're not going to tolerate that kind of conduct" (Feuerherd, 1989).

Some children don't live to perpetuate the cycle of violence. On November 1, 1987, Lisa Steinburg was knocked into a comatose state. She lay on a bathroom floor while her father, Joel Steinburg, and attorney, attended a business dinner. Her Mother, Hedda Nussbaum, believed Steinburg had "healing" powers and so, at first, did nothing to help the youngster. When Steinburg returned to the couple's Greenwich village apartment, the attorney and the book editor, Nussbaum, free-based cocaine. Not until the next morning did Nussbaum summon help. Three days later the child died

(Bruning, 1989). This is classic example of a battered woman who was neither physically or emotionally able to protect her child from abuse.

So, why do women stay in abusive relationships when their lives and the lives of their children are obviously in danger? The twin questions of why women stay in or why they fail to leave violent relationships to a large extent miss the point; they are based on the assumption that a woman engages in either one behavior or the other. Most women engage in both behaviors. Some women leave quite frequently, but do so with varying intentions about the permanency of that act. Certainly, a few women never leave the house even for several hours, but most women have at some time left, sometimes with every intention of returning and sometimes intending to make a permanent break. None of the women in this latter category succeed in terminating the relationship; others fail and return home. When leaving temporarily, the woman may go to her parents house for a few hours or a few days in order to emphasize her objections to such treatment and to try to hasten what she believes will be the process of reform by letting her husband see what it would be like without her presence, her affection, her domestic work, and, in many cases, her financial support or contributions. The intent is not to leave the relationship permanently, but to try to gain some form of redress and to change the relationship by removing the violence from it. There are numerous personal, social, and material reasons why women

fail to make a permanent break from a violent relationship. These include a negative self-image creating doubts about the ability to be successful on one's own; romantic delusions concerning married life, which fostered a belief that the husband would reform and/or that marriage must be preserved at all costs for the sake of their families, difficulties of financial support, low prospects for employment, lack of child care facilities, the extensive psychological pressures to which society subjects divorcees, a devastatingly low self-concept, isolation, and fear of living independently (Dobash and Dobash, 1979). Additionally, she may be terrified that even worse will happen if she leaves--that a battering husband will carry out his frequent threats to main or murder her (Gelman, 1988).

The most common reasons given by women for leaving their husbands or staying with them, or returning to them are related to children. Women stay for the sake of the children--in the belief that children must live with their father, come from a good stable home, and not be stigmatized by coming from a broken home. They also stay in order not to disrupt the children's schooling or friendship. Women also stay in a violent relationship because of the practical difficulties of leaving with children in tow. Since the responsibility for the physical care of children usually rests almost exclusively with the woman and since she will almost never consider leaving without taking them with her, they will present a very great strain upon her limited or nonexistent income or upon

the facilities of those who take them in. Women do, however, also leave for the sake of their children, especially if the physical abuse that they have long endured begins to spill over onto the children. Women will rarely tolerate it if the children are also being beaten or treated badly. She will make this limit perfectly clear and if it is crossed, which is not often, she will either pull out all stops in order to reestablish it or leave and take the children with her (Dobash and Dobash, 1979).

Societal Response

Considerable discretion is employed by the police in making arrests. Research has indicated that in general, the decision to arrest is neither nor even primarily based on the nature of the illegal behavior, but rather upon the police officer's assessment of the circumstances surrounding the commission of the crime and the characteristics of both offender and victim. This discretionary process is a necessary and beneficial aspect of police work, but when it results in a pattern of over-enforcement in the case of certain racial and ethnic group or under-enforcement, as in the case of violence against wives, it subverts the course of justice. Systematic under-enforcement in case involving violence may also endanger life (Dobash and Dobash, 1979).

The critical role that police play in domestic violence has been noted by a number of scholars and practitioners. Dutton (1979) sums up their role well: "Since the police come into they

contact with family violence more than any other government agency, they have the potential for making the greatest impact on detection and cessation of future violence." (McManus and Van Hightower). The fact remains, however, that advocates for battered women perceive the police to be a major impediment to implementation of domestic violence policies (McManus and Van Hightower, 1989).

The judicial response to violence against wives generally reflect the same pattern of indifference, official inaction, and occasional unofficial reaction exhibited by police departments. Very often police departments use the judicial system as a means of appeasing the women or discouraging her from pursuing complaints against her husband. Prosecutors, like police officers often view the problem of wife beating as primarily a civil and personal matter requiring neither arrest nor judicial response. The court personnel and police maintain that a woman will not pursue a charge against her husband and testify in court. It seems that in order to decrease the probability of dropping a charge, a swift response is the best one. The indifference of the legal system may increase the isolation experienced by a woman and discourage her from seeking further help; eventually, she may stop calling the police. If the violence continues, she may become a murder victim (Dobash and Dobash, 1979).

There are some strides being made to assist victims of domestic violence. The Houston Area Women's Center, founded in 1977, provides services to women and children who have been victims

of domestic violence (McManus and Van Hightower, 1989).

Police departments across the country have a new approach to domestic violence. They are implementing pro-arrest policies, which empower the police to make arrests if they have probable cause to believe a crime has been committed. The benefits of a pro-arrest policy and officer training go beyond reducing domestic violence incidents. The victim begins to regain her self-confidence and seek help because she has been believed. The assailant receives a message that his violent behavior is against the law, and that he will be treated accordingly. The children from those violent homes also benefit from the pro-arrest approach in that it helps children learn acceptable non-violent methods of communication. Police officers benefit, too. A strongly implemented pro-arrest domestic violence policy reduces repeat calls, which results in increased manpower availability. A police department's liability to multi-million dollar damage awards in domestic violence will also decrease. On the street, officers who have been trained to understand domestic violence no longer will experience the feelings of helplessness they did when they would not make arrests (Paisner, 1989).

The medical professions also stepping up its efforts to assist victims of domestic violence. Experts say physicians should be alert to the following clues of an abused woman:

Somatic Complaints

1. Headaches

2. Insomnia
3. Choking sensation
4. Hyperventilation
5. Chest, back, pelvic pain

Other Signs, Symptoms, or Situations

1. Shyness
2. Fright
3. Embarrassment
4. Evasiveness
5. Jumpiness
6. Passivity
7. Frequent crying
8. Often accompanied by male partner who wishes to be with her whenever she is being seen by the physician.
9. Drug or alcohol abuse (often)
10. Injuries (raymond, 1989)

Physician can do much to recognize and care for battered women. They can assess the women's safety by asking about the extent of the violence she faces, whether there are weapons involved, whether the children are being threatened, and if she has a safe place to go. This information will help the physician and the woman assess the violence she may face when she leaves the office, and establish a baseline to detect escalation of violence in future visits. Physicians can provide patients with information about legal and community resources available for battered women and their

children. Above all, physicians need to support the decisions the woman makes about how to best end the violence in her life. Physicians will have to support each other as they try to change their clinical paradigms to understand the problems of victims of domestic violence (Randall, 1990). Although, both physicians and patients may find the discussion of domestic violence uncomfortable, an open discussion can actually bring comfort to the patient. It can be a great relief to have a physician reaffirm a woman's suspicion that it is in fact the violence in her life that is the cause of most of her symptoms (Randall, 1990).

Some businesses are also trying to assist victims of domestic violence. Johnson & Johnson hopes that helping battered women will boost its sales. Citing a U.S. Surgeon General's report that calls domestic violence the number one health concern of families, four Johnson & Johnson divisions and the National Coalition Against Domestic Violence (NCADV) joined forces last October to form Shelter Aid. Johnson & Johnson's donations to domestic violence were linked to sales of its Stayfree, Sure & Natural, Assure, Carefree, and O.B. feminine-hygiene products. Johnson & Johnson donated \$562,000 to set up a national hotline managed by the NCADV. The 24-hour hotline receives 150 calls a day, says Mava Heffler, Johnson & Johnson's sales promotions director for personal products. Its multilingual staff refers callers to 1,400 shelters nation wide. Redeemed proof-of-purchase seals and coupons for nine Johnson & Johnson products go to the NCADV. Heffler estimates that

Johnson & Johnson donated more than \$1.5 million before the promotion ended in April. Heffler says, "This type of campaign represents a first of its kind. There are almost four million battered women in this country, yet the private sector had not been behind this issue. We'd heard from concerned consumers, many of whom were women. And we felt this type of donation would do something tangible" (Gonzales, 1988).

Domestic violence has a long standing history in our society. Although strides have been made to assist victims of domestic violence, there is still much to be done to improve their quality of life.

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